

DOCKET NO. 2007-25

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| IN THE MATTER OF | § | TEXAS STATE BOARD OF |
| THE LICENSE OF | § | |
| JEANNE CHUCLE D.V.M. | § | VETERINARY MEDICAL EXAMINERS |

AGREED ORDER

On this the 14th day of June, 2007, came on to be considered by the Texas State Board of Veterinary Medical Examiners ("Board") the matter of the license of JEANNE CHUCLE, D.V.M. ("Respondent"). Pursuant to Section 801.408, Texas Occupations Code and Board Rule 575.27, an informal conference was held on February 9, 2007. The Respondent appeared with counsel. The Board was represented at the conference by the Board's Enforcement Committee.

Respondent, without admitting the truth of the findings and conclusions set out in this Agreed Order, wishes to waive a formal adjudicative hearing and thereby informally dispose of the disciplinary issues set out below. Respondent agrees to comply with the terms and conditions set forth in this Order. In waiving an adjudicative hearing, Respondent acknowledges her understanding of the alleged violations and the adequacy and sufficiency of the notice provided to her.

Upon the recommendation of the Enforcement Committee and with Respondent's consent, the Board makes the following Findings of Fact and Conclusions of Law and enters this Agreed Order as set forth below.

Findings of Fact

1. For approximately one year, Anne Cole, Houston, Texas, had been feeding a stray cat at her home. The cat appeared to have several physical problems, including chewed spots by his tail and an ulcer on his upper lip. Not wanting to have the cat picked up by animal control, Ms. Cole called the Wesleyan Animal Hospital (WAH) in Houston to inquire about trapping the cat and euthanizing him. A person at the WAH said a euthanasia would cost \$100.
2. On or around August 14, 2006, Ms. Cole finally succeeded in trapping the cat and presented it to the WAH for euthanasia. Ms. Cole signed a euthanasia release and paid the \$100 euthanasia fee. According to Ms. Cole, an employee of the WAH named Marilyn said that the veterinarian might look at the cat. According to Jeanne Chucle, D.V.M., however, Ms. Cole was distraught and repeatedly stated she did not want to euthanize the cat, and was asked whether she would rather have a doctor examine the cat before deciding whether to euthanize it, to which Ms. Cole agreed. On August 16, 2006, Dr. Chucle examined the cat. The cat was scared but healthy. According to Dr. Chucle, Marilyn advised that Ms. Cole had prepaid the cost of euthanasia, but did not want the cat euthanized unless it had to be. On exam, the cat had a long-standing rodent ulcer and a dirty coat with some patchy hair loss. Skin scraping for mites was negative. The cat was not aggressive, and otherwise, according to Dr. Chucle, was in good health. In Dr. Chucle's

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opinion, for the \$100.00 that had been prepaid she would be able to treat the ulcer and get the cat cleaned up. According to Ms. Cole, Dr. Chucle then called Ms. Cole and told her that she had examined the cat, given it a Depo Medrol injection, and performed other services for the \$100 paid by Ms. Cole. This is disputed by Dr. Chucle, who called Ms. Cole and informed her of the results of the exam and that the cat could be treated without any further expense, which made Ms. Cole very happy. Later that day, Ms. Cole went to the WAH and was allowed to visit the cat. According to Ms. Cole, no one talked to her to explain the services performed by Dr. Chucle. According to Dr. Chucle, however, the services had already been explained by Dr. Chucle, and Ms. Cole left the visit satisfied. In any event, Ms. Cole left the WAH and was finally able to arrange for a rescue group to pick up the cat and try to locate a home for him. According to Dr. Chucle, WAH had previously offered to help Ms. Cole find the cat a home, but Ms. Cole could not decide what she wanted to do with the cat.

3. On August 24th, Ms. Cole called the WAH and asked for a copy of the euthanasia release form and was refused. Dr. Chucle later reported that the release had been lost or had never been made a part of the actual file and disposed of.

Conclusions of Law

1. Respondent is required to comply with the provisions of the Veterinary Licensing Act, Chapter 801, Texas Occupations Code, and with the Board's Rules.

2. Based on Finding of Fact 3, Dr. Chucle has violated Rule 573.52 PATIENT RECORD KEEPING, of the Board's Rules of Professional Conduct, which requires a copy of a patient record be furnished to a client upon request and that records be retained by the veterinarian for a period of three years.

3. Based on Finding of Fact 2, Dr. Chucle has violated Section 801.402 (12), Occupations Code, which prohibits the performing or prescribing of unnecessary or unauthorized treatment by a veterinarian.

4. Based on Conclusion of Law 2, Respondent has violated Section 801.402 (6), Occupations Code, which prohibits a veterinarian from violating the Board's Rules of Professional Conduct.

5. Based on Conclusions of Law 1 through 4, Respondent is subject to disciplinary action under Section 801.401 of the Veterinary Licensing Act, Texas Occupations Code:

801.401. DISCIPLINARY POWERS OF BOARD. (a) If an applicant or license holder is subject to denial of a license or to disciplinary action under Section 801.402, the Board may:

- (1) refuse to examine an applicant or to issue or renew a license;
- (2) revoke or suspend a license;

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- (3) place on probation a license holder or person whose license has been suspended;
- (4) reprimand a license holder; or
- (5) impose an administrative penalty.

6. In recommending penalties in this case, the Board considered a history of two prior violations by Respondent (Board Rule 575.25).

NOW, THEREFORE, THE BOARD AND RESPONDENT AGREE AS FOLLOWS:

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that JEANNE CHUCLE, D.V.M., be FORMALLY REPRIMANDED.

The Board further ORDERS that Respondent pay, within 45 days of the date of this Order, an ADMINISTRATIVE PENALTY of \$1000.00 (One Thousand Dollars). If Respondent fails to pay the administrative penalty within 45 days of the date of this Order, Respondent's license shall be SUSPENDED and Respondent shall cease practicing veterinary medicine until the administrative penalty is paid.

The Board further ORDERS that Respondent's license be SUSPENDED for a period of 24 months from the date of this Order, said period of suspension to be fully PROBATED.

The Board further ORDERS that Respondent shall, within 45 days of the date of this Order, refund to the complainant the \$100.00 paid by the complainant for euthanasia. If Respondent fails to refund the money within 45 days of the date of the Order, Respondent's license shall be SUSPENDED and Respondent shall cease practicing veterinary medicine until the refund is paid.

The Board further ORDERS that:

- 1 Respondent shall abide by the Rules of Professional Conduct, the Texas Veterinary Licensing Act, and the laws of the State of Texas and the United States.
2. Respondent shall cooperate with the Board's attorneys, investigators, compliance officers and other employees and agents investigating Respondent's compliance with this Order.
3. Failure by Respondent to comply with the terms of this Agreed Order or with any other provisions of the Licensing Act or the Board Rules, may result in further disciplinary action.

Respondent, by signing this Agreed Order, acknowledges her understanding of the Agreed

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Order, the notice, and Findings of Fact and Conclusions of Law herein set forth herein, and agrees that she will satisfactorily comply with the mandates of the Agreed Order in a timely manner or be subject to appropriate disciplinary action by the Board.

Respondent, by signing this Agreed Order, waives her right to a formal hearing and any right to seek judicial review of this Agreed Order. Respondent acknowledges that she had the right to be represented by legal counsel in this matter.

RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. NOTHING IN THIS ORDER SHALL BE DEEMED A WAIVER OF RESPONDENT'S RIGHTS UNDER STATUTE OR UNDER THE UNITED STATES OR TEXAS CONSTITUTIONS TO APPEAL AN ORDER OR ACTION OF THE BOARD SUBSEQUENT TO THIS AGREED ORDER EXCEPT AS RESPONDENT MAY HAVE OTHERWISE AGREED TO HEREIN. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

The effective date of this Agreed Order shall be the date it is adopted by the Board.

I, JEANNE CHUCLE, D.V.M., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THAT THIS ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

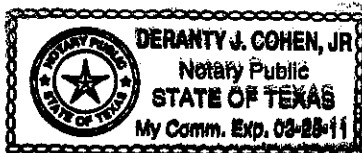
Jeanne Chucle
Jeanne Chucle, D.V.M.

5/31/07
DATE

STATE OF TEXAS §
COUNTY OF Harris §

BEFORE ME, on this day, personally appeared JEANNE CHUCLE, D.V.M., known to me as the person whose name is subscribed to the foregoing document, and acknowledged to me that she executed the same for the purposes stated therein.

Given under the hand and seal of office this 31 day of May, 2007.



[Signature]
Notary Public

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SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL
EXAMINERS on this the 14th day of June, 2007.


Robert Lastovica, D.V.M., President